

Staff Summary Report

Hearing Officer Hearing Date: June 5, 2007

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **INTENSE CREATIONS TATTOO STUDIO AND ART GALLERY (PL070176)** located at 1400 South McClintock Drive for one (1) use permit.

DOCUMENT NAME: 20070605dssa01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **KING PLAZA – INTENSE CREATIONS TATTOO STUDIO AND ART GALLERY (PL070176)** (Eugene Ramirez, applicant; Ernest Kurschat, property owner) located at 1400 South McClintock Drive in the CSS, Commercial Shopping & Services District and Transportation Overlay District – Station Area for:

ZUP07051 Use permit to allow a tattoo studio and art gallery.

PREPARED BY: Steve Abrahamson, Planning and Zoning Coordinator (480-350-8359)

REVIEWED BY: N/A

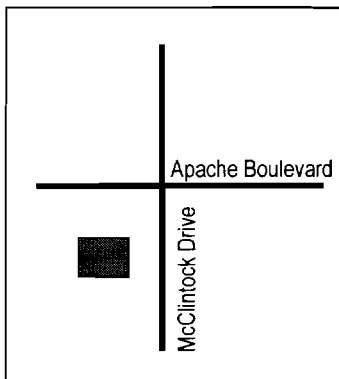
FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1 - 9

ADDITIONAL INFO: Intense Creations Tattoo Studio and Art Gallery is seeking a use permit for a tattoo studio and art gallery in the CSS, Commercial Shopping and Services District. The proposed location is within the westernmost building of the King Center shopping plaza on the west side of McClintock Drive just south of Apache Boulevard. The proposed use complies with criteria for approval of a use permit. To date, there has been no public input to the request. Staff recommends approval of the use permit with conditions.



ATTACHMENTS:

1. List of Attachments
 2. Comments; Reason(s) for Approval
 3. Conditions of Approval
 - 3-4. History & Facts
 4. Description/Zoning & Development Code Reference
-
- A. Location Map(s)
 - B. Aerial Photo
 - C. Letter of Intent
 - D. Site Plan
 - E. Floor Plan
 - F. Staff Photographs

COMMENTS:

Intense Creations Tattoo Studio and Art Gallery is requesting approval of a use permit to allow a tattoo studio. The proposed business will occupy a suite within the westernmost building of the King Center shopping plaza at 1400 South McClintock Drive in the CSS, Commercial Shopping and Services District and Transportation Overlay District – Station Area. The property is located on the west side of McClintock Drive just to the south of Apache Boulevard. The center is populated by other businesses including a gym, a tavern and a computer company.

The business' proposed floor plan indicates four (4) private tattoo rooms with a separate sterilization area. The applicant indicates the operation's personnel will initially consist of an artist and a receptionist. The hours of operation will be six (6) days a week, Monday through Saturday, from 12:00 p.m. until 10:00 p.m.. The business has a goal to serve up to 300 customers in its first year of operation.

To date, there has been no public input regarding this request.

Use Permit

The Zoning and Development Code requires a Tattoo Shop to obtain a use permit in the CSS, Commercial Shopping & Services District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This is a service use, similar to others within the shopping center; there should be no nuisances.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the request for the use permit subject to the attached conditions of approval.

REASON(S) FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. There will be no apparent damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
3. The use appears to be compatible with the building, site and adjacent properties.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. Prior to the use permit becoming effective, all practitioners must have training in blood-borne pathogens and cross-contamination.
2. Prior to the use permit becoming effective, the establishment must post and provide to customers, upon request, written instructions on tattoo care.
3. Any intensification or expansion of this use shall require that a new use permit be applied for and obtained.
4. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
5. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
6. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
7. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
8. The applicant shall devise a security plan in conjunction with the Police Department officials (contact Officer Derek Pittam (480) 858-6341) prior to the use permit becoming effective.
9. All business signs shall be Development Review staff approved and permits obtained.

HISTORY & FACTS:

April 18, 1980	Final inspection for three (3) commercial buildings.
September 24, 1986	The Board of Adjustment approved a use permit request for Arizona Body Sculpturing to operate a fitness clinic.
June 9, 1994	The Hearing Officer approved a use permit request to allow for retail store.
April 21, 1999	The Hearing Officer approved a use permit request to allow the expansion of the existing outdoor dining area.
August 25, 1999	The Hearing Officer approved variance request to reduce the required on-site parking from 57 spaces to 52 spaces to allow an outdoor dining area.
September 23, 1999	The Hearing Officer approved a use permit request to allow approximately 4900 s.f. of office space for use as a travel agency's appointment facility.

October 19, 1999	The Hearing Officer approved a use permit request by Travelbridge marketing to allow an additional 2,000 s.f. of administration office area for an appointment setting office (phone room).
November 8, 1999	The Hearing Officer approved a use permit request to allow the retail sales of clothing, shoes, costume jewelry, scarves, etc. in a 4,900 s.f. leased area.
October 16, 2001	The Hearing Officer approved a use permit request by AKO International Markets to allow a new retail business (sale of food, clothing and general merchandise).
September 17, 2002	The Hearing Officer approved a use permit request by La Nueva Jerusalem to allow a retail Christian book store selling books, CD's and posters.
November 17, 2005	The Zoning and Development was amended to include the Transportation Overlay District (TOD) to encourage appropriate land development and redevelopment along the light rail corridor.
July 18, 2006	The Hearing Officer approved a use permit request to allow a wireless antenna (monopalm).

DESCRIPTION:

Applicant – Eugene Ramirez
Owner – Ernest Kurschat
Existing zoning – CSS, Commercial Shopping and Services District and
Transportation Overlay District – Station Area
Existing zoning – CSS, Commercial Shopping and Services District and
TOD, Transportation Overlay District, Station Area
Total site area – 70,001 s.f. / 1.61 acre
Total bldg. area – 20,829 s.f.

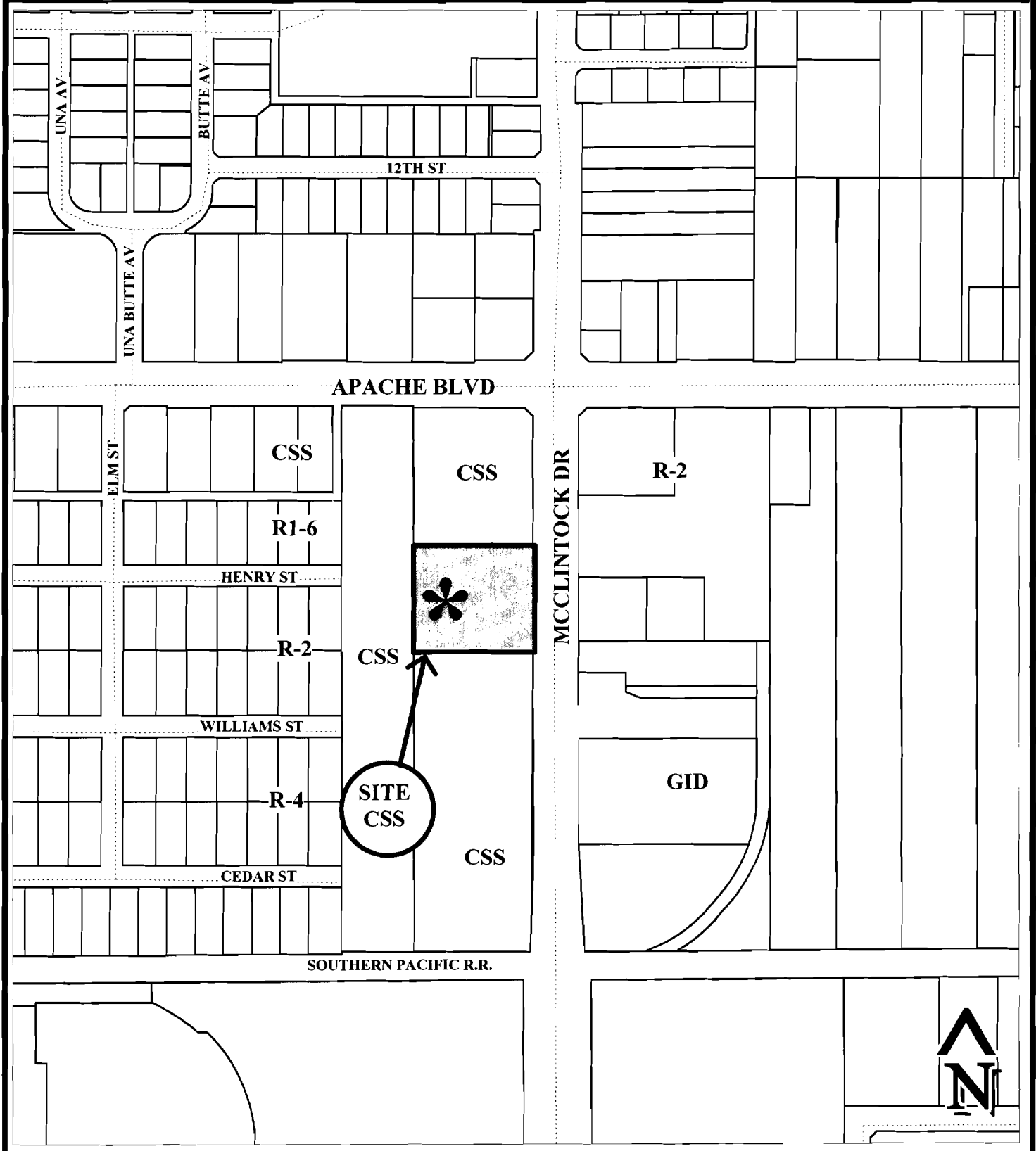
**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

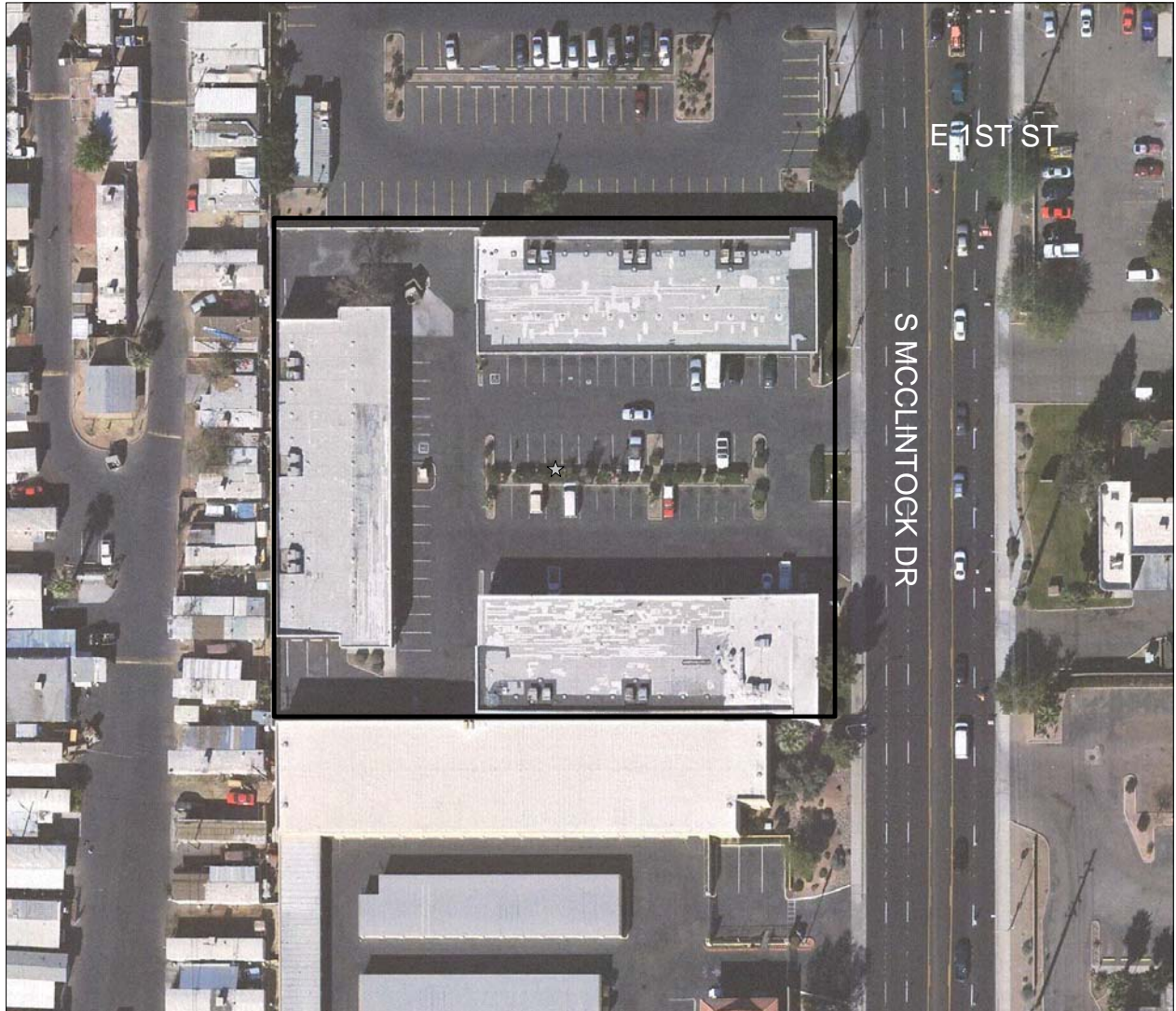
Part 3, Chapter 2, Section 3-202
Permitted Uses in Commercial and Mixed-Use Districts – Table 3-202A – Tattoo Shop in CSS,
Commercial Shopping and Services District requires a use permit;

Part 6, Chapter 3, Section 6-308
Use Permit.

KING PLAZA - INTENSE CREATIONS

PL070176





KING PLAZA - INTENSE CREATIONS TATTOO STUDIO AND ART GALLERY (PL070176)

Intense Creations Tattoo Studio and Art Gallery

The purpose of Intense Creations Tattoo Studio is to create an environment for a tattoo collector that is more inviting and relaxing than the majority of tattoo studios today. The fact that the art of tattooing has become more socially acceptable in modern society and the level of artistic ability by many of today's modern tattoo artists has grown exponentially, so has the clientele base.

Modern collectors are demanding and educated with the art, professionalism, and sterility involved with the tattoo industry. No longer is the average client average. They are lawyers, nurses and teachers, as well as the traditional tattoo enthusiast. As an experienced, professional tattoo artist of 13 years, I intend to push the boundaries of custom tattooing, while providing state of the art hospital sterilization, art gallery design, and an atmosphere appealing to all.

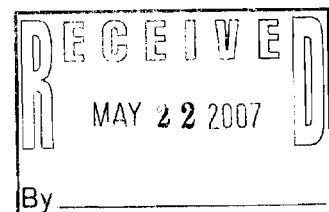
Intense Creations has been designed as a southwest style art gallery housing art exhibits, sculpture, and other forms of mixed media art. Tattooing will be visible from the gallery while having its own space. There will be large private offices as well as a completely separate sterilization facility. All sterile procedures will be accessible to clients and city inspectors upon request to insure the priority of health and safety in the studio and with the employees.

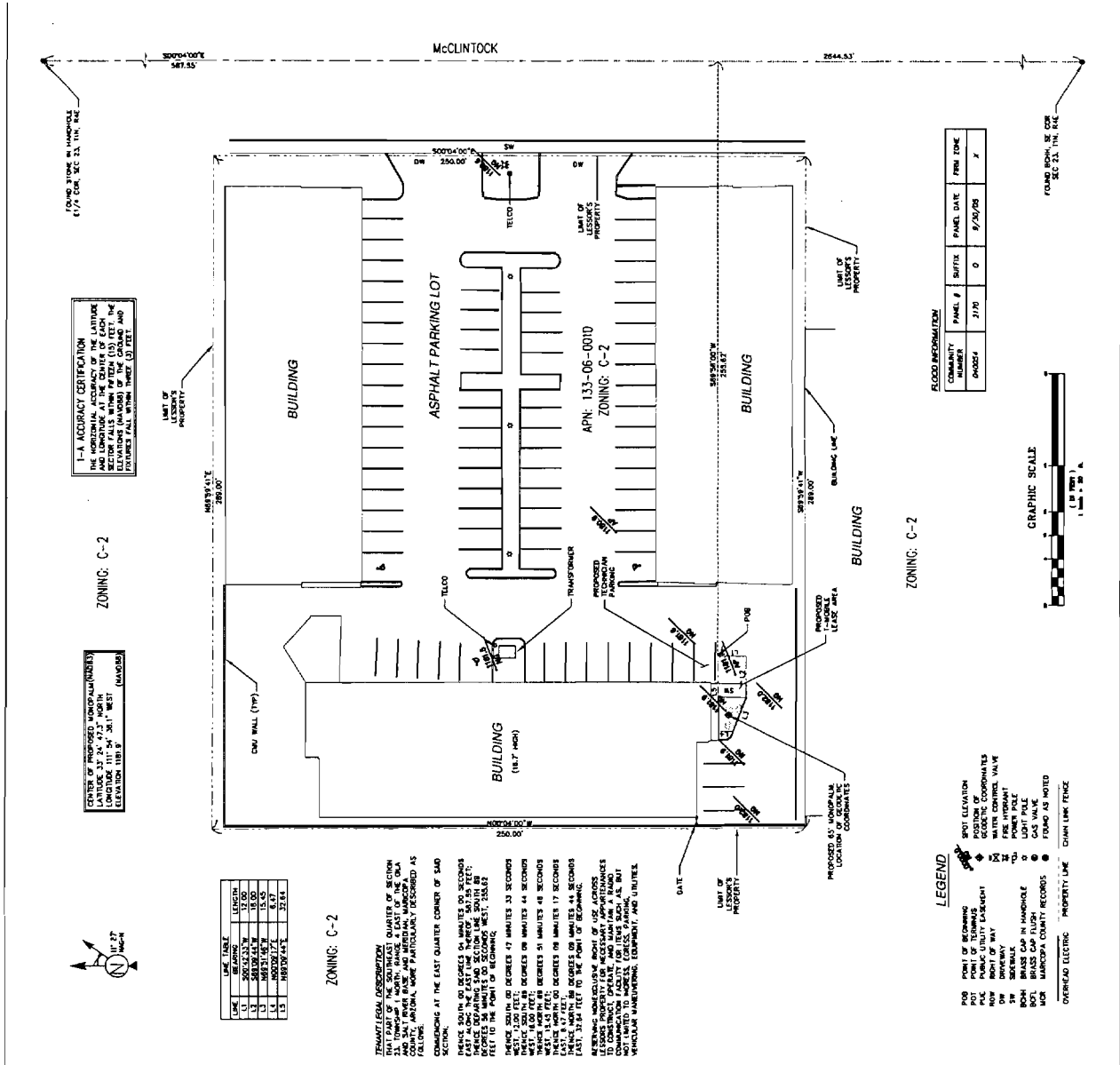
The staff will be kept simple for the first year of operation with only one artist and a receptionist, however the goal for the next 3 years will be to fill the remaining 2 stations with other artists as well having guest artists come from other studios around the world.

Hours of operation will be six days a week, Monday through Saturday, from 12 noon until 10 pm. As the clientele grows, my ultimate goal is to go from walk-ins, to appointment only. It makes it easier for the artist when there is time to prepare in advance for each client, as well as keeping the traffic within the shop to a minimum.

On average, a busy street shop that is not appointment only will see between 1000 and 2200 customers a year. Our goal for the first year is 200 to 300 customers which give an average of 4 to 7 clients a week. With heavy advertising planned for the first 3 years, we are hoping to increase this number to at least 20 a week in a 5 year period.

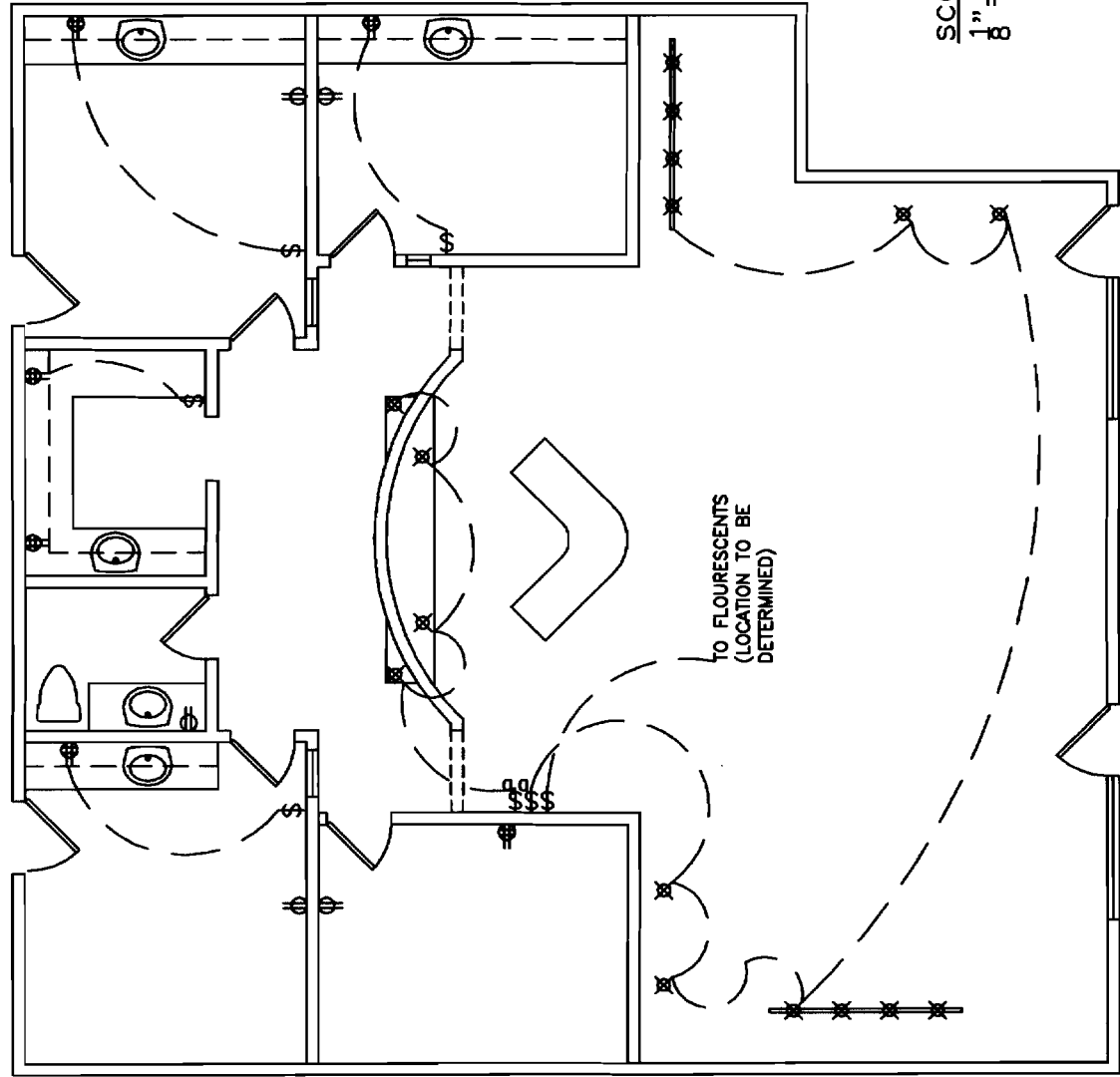
RECEIVED
07 MAY 22 PM 3:20
TEMPER-LOVEMENT
SERVICES DEPARTMENT





INTENSE CREATIONS

RECEIVED
07 MAY 22 PM 3:20
TEMPER-DEVELOPMENT
SERVICES DEPARTMENT



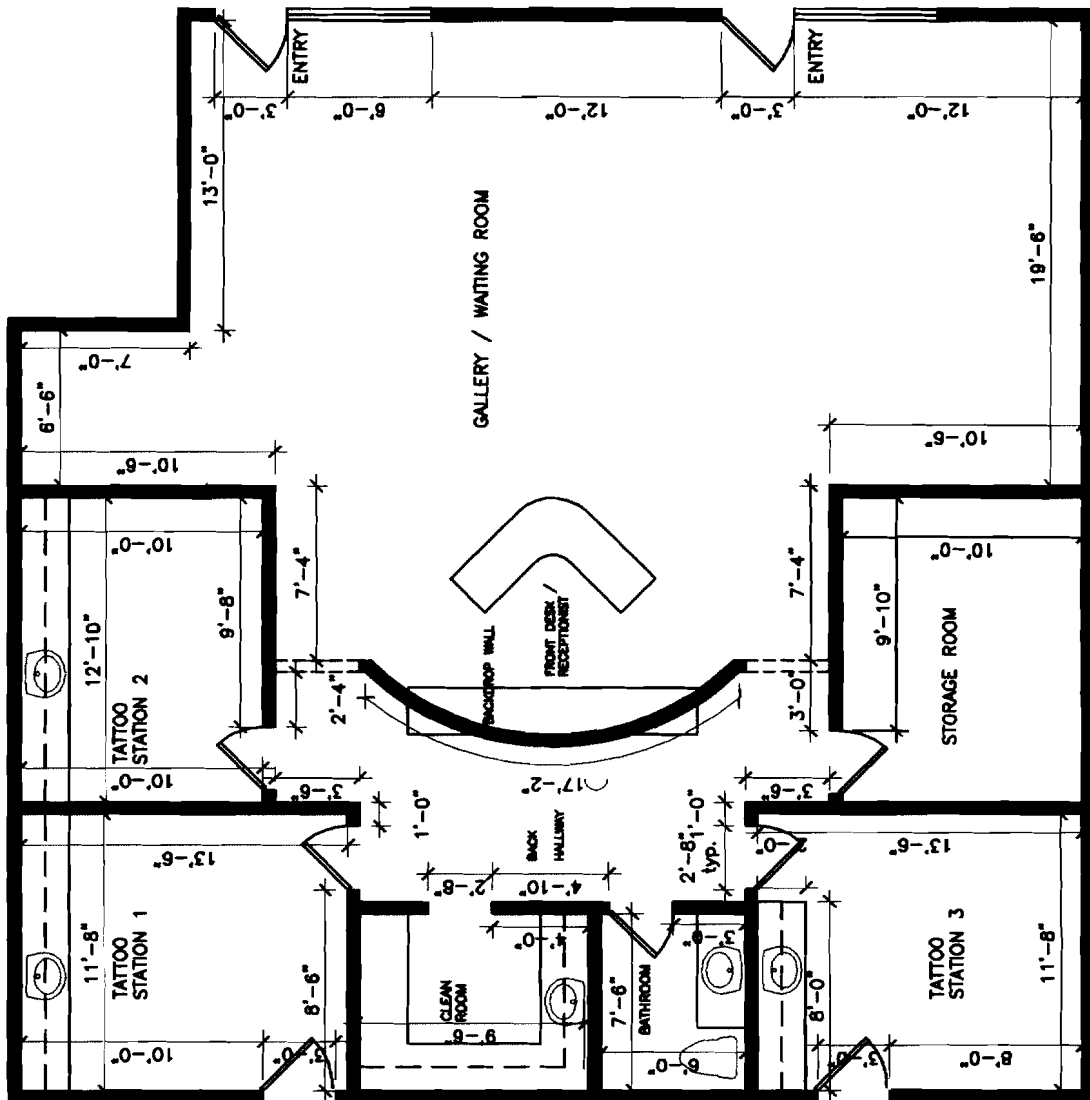
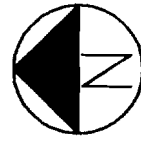
INTENSE CREATIONS
TATTOO STUDIO

KING CENTER PLAZA
1400 South McClintock
Tempe, Arizona

2080 SQ FT

1/8" = 1'

RECEIVED
07 MAY 22 PM 3:20
TEMPE-DEVELOPMENT
SERVICES DEPARTMENT



PLAN

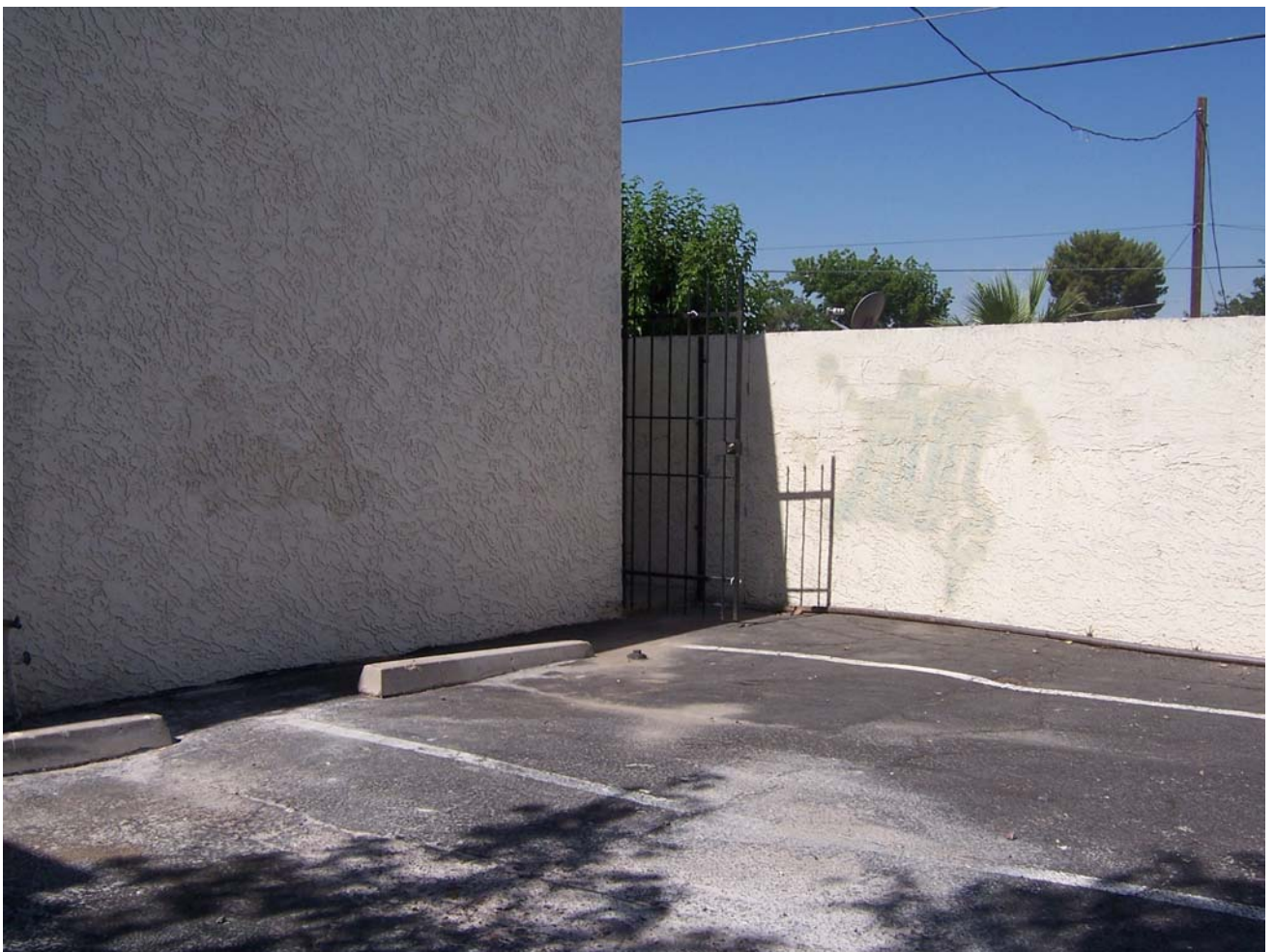


INTENSE CREATIONS TATTOO STUDIO

1400 S MCCLINTOCK DR.

PL070176

FRONT OF SUITE: VIEW TO WEST



INTENSE CREATIONS TATTOO STUDIO

1400 S MCCLINTOCK DR

PL070176

REAR OF LOT; UNSECURED GATE



INTENSE CREATIONS TATTOO STUDIO

1400 S MCCLINTOCK DR

PL070176

REAR OF LOT; UNSECURED GATE